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MEMO ENDORSED

April 23, 2024

Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: Sanford v. Towns et. al.

Docket No. 23 CV 1827

RE: ECF Documents: ## 75 and 77

Preliminary Injunction

Your Honor:

I represent the Plaintiff, and I write with the Defendants' consent to apprise the Court of the status of the case, in accordance with the Court's order of April 5, 2024 (Docket No. 77).

The goals of the preliminary injunction have been achieved. On the afternoon of April 18, 2024, at plaintiff's check in at parole he was unexpectedly provided with a revised set of conditions with regard to his internet use and First Amendment rights.

The new conditions tracked all of the language for which plaintiff has advocated. The revised conditions are attached for the Court's review. The new conditions are in accord with Second Circuit rulings in this arena, and as set out by Plaintiff in our papers.

To answer the initial question posed by the Court in its letter of April 4, 2024, please note that the plaintiff seeks in his complaint resolution on both an as applied *and* as facially unconstitutional bases. As the Defendants have acquiesced as to this individual Plaintiff on the First Amendment issues, the immediate harm to this Plaintiff vis a vis the preliminary injunction is resolved and the goals of the complaint for this individual as to this aspect of the complaint have been achieved.

We ask that we may have a conference with the court to resolve the balance of this matter if a global resolution cannot be achieved by May 10, 2023.

Most respectfully,

Stacey Richman

Enclosure

Cc: on following page



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cc: Daryl C. Esq. In his official capacity as Chairman of the NY Board of Parole
Daniel F. Martuscello, in his official capacity as Acting Commissioner of the DOCCS
Office of the Attorney General as Counsel via email and ECF

Courtesy copy: SwainNYSDCorresp@nysd.uscourts.gov

The Court has reviewed the foregoing status report. Given Plaintiff's representation that the goals of the motion for preliminary injunction have been achieved, the hearing set for Friday, April 26, 2024, at 10:30 AM is cancelled, and the Clerk of Court is directed to terminate the motion at docket entry number 61.

The parties are directed to file a joint status report by May 10, 2024, regarding their further efforts to resolve the balance of this matter, at which point the Court will determine whether a status conference is necessary.

SO ORDERED.

April 22, 2024

/s/ Laura Taylor Swain, Chief USDJ

STATE OF NEW YORK
NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)
SPECIAL CONDITIONS OF RELEASE TO COMMUNITY SUPERVISION

MANDATORY CONDITION OF RELEASE TO COMMUNITY SUPERVISION

REVISED ESTOP

Name: COHEN, SANFORD M NYSID: 14117529K
Date of Release: 06/18/2020 Supervision Maximum: 08/18/2026

I, COHEN, SANFORD M, acknowledge that under the provisions of my Conditions of Release that the following Mandatory Condition has been imposed upon me and that this Mandatory Condition will remain in effect until the termination of my legal period of supervision, 08/18/2026 unless otherwise amended in writing by the Department of Corrections and Community Supervision (DOCCS).

"I will not use the internet to access pornographic material, communicate with other individuals or groups for the purpose of promoting sexual relations with persons under the age of eighteen, and communicate with a person under the age of eighteen unless I receive written permission from the Board of Parole to use the internet to communicate with a minor child under eighteen years of age who I am the parent of and who I am not otherwise prohibited from communicating with."

I will not communicate directly, or indirectly, with any individual under the age of 18 without the prior approval of my parole officer.

I will not solicit, access, facilitate, distribute, or download any images or data depicting a minor engaging in sexually explicit activity.

I will only use internet-capable devices and social media for lawful purposes.

I will register all devices capable of storing electronic information, email accounts, social media accounts, software applications, usernames, and passwords with my parole officer as well as the New York City Sex Offender Management Unit.

I consent to the search of all such device(s) by the New York State Department of Corrections and Community Supervision and their third-party civilian and law enforcement partners.

I hereby certify that I have read and understand the above mandatory condition of my release and that I have received a copy of this mandatory condition.

Signed this 18 day of April, 2024.

Releasee: [Signature] Witness: [Signature] #764

CS3020A (Revised e-STOP condition November 2020)